

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:08CV51

WATCHIT TECHNOLOGIES, INC.,)
)
)
Plaintiff,)
)
)
Vs.)
)
)
BIG APPLE CONSULTING USA, INC.;)
MJMM INVESTMENTS, L.L.C.;)
DONALD WOOD; DENNIS)
STEINMETZ; BRANDON WOOD;)
MARC JABLON; and MARK C.)
KALEY, ESQ.,)
)
)
Defendants.)
)

O R D E R

THIS MATTER is before the Court on Defendants' motion to dissolve, or in the alternative, to modify, the temporary restraining order (TRO) currently in effect in this case. **Defendants' Motion to Dissolve, or in the Alternative, to Modify Temporary Restraining Order, filed February 28, 2008.**

Plaintiff originally filed this action on February 20, 2008. **Plaintiff's Original Complaint, filed February 20, 2008.** The next day, Plaintiff requested a TRO and preliminary injunction. **Plaintiff's Motion for a**

Temporary Restraining Order and Preliminary Injunction, filed February 21, 2008. Following an *ex parte* hearing, Senior U.S. District Court Judge Graham C. Mullen signed an order granting Plaintiff's TRO application. **Order Granting Plaintiff's Application for Temporary Restraining Order and Notice of Hearing, filed February 22, 2008, at 2.** In the same order, the Court gave notice of a hearing on Plaintiff's preliminary injunction before the undersigned on February 29, 2008. *Id. at 3.*

On February 27, 2008, Defendants filed a consent motion for a continuance of the February 29 hearing. **Defendants' Consent Motion for Continuance of Hearing, filed February 27, 2008.** The motion requested that the Court continue the hearing "until at least March 10, 2008" and indicated that Plaintiff did not oppose the motion. *Id. at 2.* Accordingly, the Court entered an order continuing the preliminary injunction hearing until March 12, 2008. **Order, filed February 28, 2008.**

Defendants have now filed a motion to dissolve or modify the TRO contending, in part, that Plaintiff's complaint does not state a claim upon which relief can be granted. Defendants have contacted the Court to

request that a hearing be set on this motion for Tuesday, March 4, 2008, at the earliest.

In view of the parties' obvious disagreements, the Court will modify its previous order of February 28, 2008, which set the preliminary injunction hearing for March 12, 2008. The case will now be set for hearing before the undersigned at 11:00 a.m., on Friday, March 7, 2008, at which time the Court will further consider and determine whether the preliminary injunction initially sought by Plaintiff should issue. Each party shall have up to one hour maximum to address the Court on their respective positions.

IT IS, THEREFORE, ORDERED that the hearing previously scheduled for March 12, 2008, is hereby rescheduled for **FRIDAY, MARCH 7, 2008, AT 11 A.M., in the Main Third Floor Courtroom of the U.S. Courthouse in Asheville, North Carolina.**

Signed: March 3, 2008



Lacy H. Thornburg
United States District Judge

